

AMENDED IN ASSEMBLY APRIL 20, 2015

AMENDED IN ASSEMBLY APRIL 7, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 999

Introduced by Assembly Member Daly

February 26, 2015

An act to amend Section 798.61 of the Civil Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

AB 999, as amended, Daly. Abandoned mobilehomes: disposal.

The Mobilehome Residency Law governs tenancies in mobilehome parks, including, among other things, imposing various duties on the management of a mobilehome park when seeking to sell an abandoned mobilehome and its contents. Existing law requires the management, under certain circumstances, to obtain a tax clearance certificate from the county tax collector of the county in which the mobilehome is located when selling an abandoned mobilehome.

This bill would amend the Mobilehome Residency Law to authorize a procedure for the management of a mobilehome park to dispose of *or sell* an abandoned mobilehome and to dispose of or sell its contents without requiring the management to obtain a tax clearance certificate. This bill would require the management to notify the county tax collector in the county in which the mobilehome park is located and the Department of Housing and Community Development ~~of an action to that management will~~ dispose of an abandoned mobilehome and its contents pursuant to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 798.61 of the Civil Code is amended to
2 read:
3 798.61. (a) (1) As used in this section, “abandoned
4 mobilehome” means a mobilehome about which all of the
5 following are true:
6 (A) It is located in a mobilehome park on a site for which no
7 rent has been paid to the management for the preceding 60 days.
8 (B) It is unoccupied.
9 (C) A reasonable person would believe it to be abandoned.
10 (2) As used in this section:
11 (A) “Mobilehome” shall include a trailer coach, as defined in
12 Section 635 of the Vehicle Code, or a recreational vehicle, as
13 defined in Section 18010 of the Health and Safety Code, if the
14 trailer coach or recreational vehicle also satisfies the requirements
15 of paragraph (1), including being located on any site within a
16 mobilehome park, even if the site is in a separate designated section
17 pursuant to Section 18215 of the Health and Safety Code.
18 (B) “Abandoned mobilehome” shall include a mobilehome that
19 is uninhabitable because of its total or partial destruction that
20 cannot be rehabilitated, if the mobilehome also satisfies the
21 requirements of paragraph (1).
22 ~~(3) As used in this section, “dispose”~~
23 (C) “Dispose” or “disposal” shall mean ~~to remove the removal~~
24 ~~and destruction of~~ an abandoned mobilehome from a mobilehome
25 ~~park or park and destroy it, park~~, thus making it unusable for any
26 purpose.
27 (b) After determining a mobilehome in a mobilehome park to
28 be an abandoned mobilehome, the management shall post a notice
29 of belief of abandonment on the mobilehome for not less than 30
30 days, and shall deposit copies of the notice in the United States
31 mail, postage prepaid, addressed to the homeowner at the last
32 known address and to any known registered owner, if different
33 from the homeowner, and to any known holder of a security interest
34 in the abandoned mobilehome. This notice shall be mailed by
35 registered or certified mail with a return receipt requested.

1 (c) (1) Thirty or more days following posting pursuant to
2 subdivision (b), the management may file a petition in the superior
3 court in the county in which the mobilehome park is located, for
4 a judicial declaration of abandonment of the mobilehome. A
5 proceeding under this subdivision is a limited civil case. Copies
6 of the petition shall be served upon the homeowner, any known
7 registered owner, and any known person having a lien or security
8 interest of record in the mobilehome by posting a copy on the
9 mobilehome and mailing copies to those persons at their last known
10 addresses by registered or certified mail with a return receipt
11 requested in the United States mail, postage prepaid.

12 (2) To dispose of an abandoned ~~mobilehome~~, *mobilehome*
13 *pursuant to subdivision (f)*, the management shall also do all of
14 the following:

15 (A) Declare in the petition that the management will dispose of
16 the abandoned mobilehome, and therefore will not seek a tax
17 clearance certificate as set forth in Section 5832 of the Revenue
18 and Taxation Code.

19 (B) Declare in the petition whether the management intends to
20 sell the contents of the abandoned mobilehome before its disposal.

21 (C) ~~Serve the petition on~~ *Notify* the county tax collector in the
22 county in which the mobilehome park is located and the
23 Department of Housing and Community ~~Development~~.
24 *Development of the declaration that management will dispose of*
25 *the abandoned mobilehome by sending a copy of the petition by*
26 *first class mail.*

27 (d) (1) Hearing on the petition shall be given precedence over
28 other matters on the court's calendar.

29 (2) If, at the hearing, the petitioner shows by a preponderance
30 of the evidence that the criteria for an abandoned mobilehome has
31 been satisfied and no party establishes an interest therein at the
32 hearing, the court shall enter a judgment of abandonment,
33 determine the amount of charges to which the petitioner is entitled,
34 and award attorney's fees and costs to the petitioner. For purposes
35 of this subdivision, an interest in the mobilehome shall be
36 established by evidence of a right to possession of the mobilehome
37 or a security or ownership interest in the mobilehome.

38 (3) A default may be entered by the court clerk upon request of
39 the petitioner, and a default judgment shall be thereupon entered,

1 if no responsive pleading is filed within 15 days after service of
2 the petition by mail.

3 (e) ~~(1) Within~~ *To sell an abandoned mobilehome, the*
4 *management shall do all of the following:*

5 (1) (A) Within 10 days following a judgment of abandonment,
6 the management shall enter the abandoned mobilehome and
7 complete an inventory of the contents and submit the inventory to
8 the court.

9 ~~(2)~~

10 (B) During this period the management shall post and mail a
11 notice of intent to sell ~~or dispose of~~ the abandoned mobilehome
12 and its contents under this section, and announcing the date of ~~sale~~
13 ~~or disposal~~, *sale*, in the same manner as provided for the notice of
14 determination of abandonment under subdivision (b). The
15 management shall also provide notice to the county tax collector
16 in the county in which the mobilehome park is located and the
17 Department of Housing and Community Development, ~~if requested~~
18 ~~by either to do so.~~ *Development.*

19 ~~(3)~~

20 (C) At any time prior to the ~~sale or disposal~~ of an abandoned
21 mobilehome or its contents under this section, any person having
22 a right to possession of the abandoned mobilehome may recover
23 and remove it from the premises upon payment to the management
24 of all rent or other charges due, including reasonable costs of
25 storage and other costs awarded by the court. Upon receipt of this
26 payment and removal of the abandoned mobilehome from the
27 premises pursuant to this paragraph, the management shall
28 immediately file an acknowledgment of satisfaction of judgment
29 pursuant to Section 724.030 of the Code of Civil Procedure.

30 ~~(f) (1)~~

31 (2) Following the judgment of abandonment, but not less than
32 10 days following the notice of ~~sale or disposal~~ specified in
33 ~~subdivision (e), paragraph (1)~~, the management may conduct a
34 public sale of the abandoned mobilehome, its contents, or both.
35 The management may bid at the sale and shall have the right to
36 offset its bids to the extent of the total amount due it under this
37 section. The proceeds of the sale shall be retained by the
38 management, but any unclaimed amount thus retained over and
39 above the amount to which the management is entitled under this
40 section shall be deemed abandoned property and shall be paid into

1 the treasury of the county in which the sale took place within 30
2 days of the date of the sale. The former homeowner or any other
3 owner may claim any or all of that unclaimed amount within one
4 year from the date of payment to the county by making application
5 to the county treasurer or other official designated by the county.
6 If the county pays any or all of that unclaimed amount to a
7 claimant, neither the county nor any officer or employee of the
8 county is liable to any other claimant as to the amount paid.

9 ~~(2) Following the judgment of abandonment, but not less than~~
10 ~~10 days following the notice of sale or disposal specified in~~
11 ~~subdivision (e), the management may dispose of the abandoned~~
12 ~~mobilehome.~~

13 ~~(g) (1)~~

14 (3) Within 30 days of the date of the sale of the abandoned
15 mobilehome and its contents, the management shall submit to the
16 court an accounting of the moneys received from the sale and the
17 disposition of the money and the items contained in the inventory
18 submitted to the court pursuant to ~~subdivision (e).~~ *paragraph (1).*

19 ~~(2) Within 30 days of the date of the disposal of an abandoned~~
20 ~~mobilehome and its contents, the management shall submit to the~~
21 ~~court, the county tax collector in the county in which the~~
22 ~~mobilehome park is located, and the Department of Housing and~~
23 ~~Community Development a statement that the abandoned~~
24 ~~mobilehome and its contents were disposed with supporting~~
25 ~~documentation.~~

26 ~~(3) Within 30 days of the date of the disposal of an abandoned~~
27 ~~mobilehome or the date of the sale of its contents, whichever date~~
28 ~~is later, the management shall submit to the court, the county tax~~
29 ~~collector in the county in which the mobilehome park is located,~~
30 ~~and the Department of Housing and Community Development an~~
31 ~~accounting of the moneys received from the sale and the disposition~~
32 ~~of the money and the items contained in the inventory submitted~~
33 ~~to the court pursuant to subdivision (e) and a statement that the~~
34 ~~abandoned mobilehome was disposed with supporting~~
35 ~~documentation.~~

36 ~~(h)~~

37 (4) The management shall provide the purchaser at the sale of
38 an abandoned mobilehome with a copy of the judgment of
39 abandonment and evidence of the sale, as shall be specified by the
40 Department of Housing and Community Development or the

1 Department of Motor Vehicles, which shall register title in the
2 abandoned mobilehome to the purchaser upon presentation thereof.
3 The sale shall pass title to the purchaser free of any prior interest,
4 including any security interest or lien, except the lien provided for
5 in Section 18116.1 of the Health and Safety Code, in the abandoned
6 mobilehome.

7 *(f) To dispose of an abandoned mobilehome, the management*
8 *shall do all of the following:*

9 *(1) (A) Within 10 days following a judgment of abandonment,*
10 *the management shall enter the abandoned mobilehome and*
11 *complete an inventory of the contents and submit the inventory to*
12 *the court.*

13 *(B) During this period the management shall post and mail a*
14 *notice of intent to dispose of the abandoned mobilehome and its*
15 *contents under this section, and announcing the date of disposal,*
16 *in the same manner as provided for the notice of determination of*
17 *abandonment under subdivision (b). The management shall also*
18 *provide notice to the county tax collector in the county in which*
19 *the mobilehome park is located and the Department of Housing*
20 *and Community Development.*

21 *(C) At any time prior to the disposal of an abandoned*
22 *mobilehome or its contents under this section, any person having*
23 *a right to possession of the abandoned mobilehome may recover*
24 *and remove it from the premises upon payment to the management*
25 *of all rent or other charges due, including reasonable costs of*
26 *storage and other costs awarded by the court. Upon receipt of this*
27 *payment and removal of the abandoned mobilehome from the*
28 *premises pursuant to this subparagraph, the management shall*
29 *immediately file an acknowledgment of satisfaction of judgment*
30 *pursuant to Section 724.030 of the Code of Civil Procedure.*

31 *(2) Following the judgment of abandonment, but not less than*
32 *10 days following the notice of disposal specified in paragraph*
33 *(1), the management may dispose of the abandoned mobilehome.*

34 *(3) (A) Within 30 days of the date of the disposal of an*
35 *abandoned mobilehome and its contents, the management shall*
36 *submit to the court, the county tax collector in the county in which*
37 *the mobilehome park is located, and the Department of Housing*
38 *and Community Development a statement that the abandoned*
39 *mobilehome and its contents were disposed with supporting*
40 *documentation.*

1 (B) *Within 30 days of the date of the disposal of an abandoned*
2 *mobilehome or the date of the sale of its contents, whichever date*
3 *is later, the management shall submit to the court, the county tax*
4 *collector in the county in which the mobilehome park is located,*
5 *and the Department of Housing and Community Development an*
6 *accounting of the moneys received from the sale and the disposition*
7 *of the money and the items contained in the inventory submitted*
8 *to the court pursuant to paragraph (1) and a statement that the*
9 *abandoned mobilehome was disposed with supporting*
10 *documentation.*

11 (i)

12 (g) Notwithstanding any other law, the management shall not
13 be required to obtain a tax clearance certificate, as set forth in
14 Section 5832 of the Revenue and Taxation Code, to either dispose
15 of an abandoned mobilehome and sell its contents, or dispose of
16 an abandoned mobilehome and its contents.

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